

## **Remarks**

### **I. Status of Claims**

Claims 1-16 are pending in the application. Claim 1 is independent. Claims 1, 3 and 5 are amended.

Claims 2, 6, and 17-21 are canceled without prejudice and/or disclaimer to the subject matter therein. With respect to claims 17-21, Applicant reserves the right to file one or more divisional application(s) directed to the non-elected subject matter in accordance with the provisions of 35 U.S.C. § 121.

Claims 1-4, 7, 8 and 10-13 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Warzawski et al. (US 4,590,134) (hereinafter "Warzawski") in view of Cisar et al. (US 6,533,827) (hereinafter "Cisar"). Claims 5, 6 and 14-16 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Warzawski and Cisar, and further in view of Kato et al. (US 2002/0187384) ("Kato"). Claims 1-4, 8, 9 and 11-13 were rejected under 35 USC 103(a) as being unpatentable over Yang (US 6,635,378) in view of Cisar. Claims 5, 6 and 14-16 were rejected under 35 USC 103(a) as being unpatentable over Yang and Cisar, and further in view of Kato. The Applicant respectfully traverses.

### **II. Pending Claims**

After the above amendments, claim 1 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Warzawski in view of Cisar, and in further view of Kato and as being unpatentable over Yang and Cisar, and further in view of Kato. The Applicant respectfully traverses.

The Applicant submits that claim 1 is patentable over the cited references at least because it recites, "wherein the protruding portions of the separators adjacent to each other are formed so as to be displaced with respect to each other in the cell stacked direction and offset from one another in the direction perpendicular to the cell stacked direction." (emphasis added)

As seen in FIG. 8 of the present invention, the protruding portions 32, 33 of adjacent separators 18 A, B are offset from one another in the direction perpendicular to the cell-stacked direction. For instance, when viewed from the top of the stack, the protruding portions 32, 33 of adjacent separators are spaced along a common edge of the separators 18 A, B. This arrangement prevents the protruding portions of adjacent separators from contacting each other to cause short circuiting. See ¶ [0009] of application as published. In contrast, Kato simply does not disclose such an arrangement.

For at least these reasons, claim 1 and its dependent claims are patentable over the cited references.

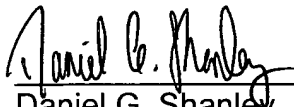
### III. Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: March 13, 2007

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